

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
 v.)
)
 GELEAN MARK,)
 VERNON FAGAN,) Criminal No. 2006-80
 WALTER ELLS,)
 DORIAN SWAN,)
 KELVIN MOSES,)
 HENRY FREEMAN, and)
 EVERETTE MILLS,)
)
 Defendants.)
)
 _____)

ATTORNEYS:

Delia L. Smith, AUSA
St. Thomas, U.S.V.I.
For the plaintiff,

Pamela L. Colon, Esq.
St. Croix, U.S.V.I.
For defendant Gelean Mark,

Kevin D'Amour, Esq.
St. Thomas, U.S.V.I.
For defendant Vernon Fagan,

Carl R. Williams, Esq.
St. Thomas, U.S.V.I.
For defendant Walter Ells,

Jesse Gessin, AFPD
St. Thomas, U.S.V.I.
For defendant Dorian Swan,

United States v. Mark, et al.
Criminal No. 2006-80
Order
Page 2

Andrew L. Capdeville, Esq.
St. Thomas, U.S.V.I.
For defendant Kelvin Moses,

Dale L. Smith, Esq.
New York, NY
For defendant Henry Freeman,

Arturo R. Watlington, Jr., Esq.
St. Thomas, U.S.V.I.
For defendant Everette Mills.

ORDER

GÓMEZ, C.J.

Before the Court are the motions of defendants Gelean Mark ("Mark) and Vernon Fagan ("Fagan") to dismiss the indictment on double jeopardy grounds. For the reasons set forth in the memorandum opinion of even date, it is hereby

ORDERED that the motions of Mark and Fagan to dismiss the indictment on Double Jeopardy grounds are **DENIED**.

Dated: September 5, 2007

S\ _____
CURTIS V. GÓMEZ
Chief Judge

United States v. Mark, et al.
Criminal No. 2006-80
Order
Page 3

Copy:

Hon. Geoffrey W. Barnard
Delia L. Smith, AUSA
Kevin D'Amour, Esq.
Pamela L. Colon, Esq.
Carl R. Williams, Esq.
Thurston T. McKelvin, FPD
Jesse Gessin, AFPD
Arturo R. Watlington, Jr., Esq.

Andrew L. Capdeville, Esq.
Dale L. Smith, Esq.
Mrs. Trotman
Ms. Donovan
Mrs. Schneider
Probation
U.S. Marshals
Bailey Figler, Esq.